

Appl. No. 10/530,634

Attorney Docket No. 10808-231

**II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 5-9 remain pending.

***Claim Rejections - 35 U.S.C. §103***

Claims 9 and 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent JP 60-161669 to Koyanagi (Koyanagi) and in view of U.S. Patent No. 5,908,313 to Chau et al. (Chau).

Claim 9 now recites that the depression sidewall insulation layer extends into a region below the gate dielectric and overlaps with the gate and the gate dielectric. Neither Koyanagi nor Chau teach the depression sidewall insulation layer overlapping with the gate and the gate dielectric. In the Koyanagi reference, the gate dielectric 4 extends laterally across the drain/source depression and incidentally extends over the insulating film 9. (Figures 1 and 3) To the contrary, in the instant application, the depression sidewall insulation layer 9 extends beneath the gate 4 and gate dielectric 3. (Figure 5b) Accordingly, Koyanagi and Chau do not teach the present invention according to claim 9.

Claims 5-8 depend from claim 9 and are, therefore, patentable for at least the same reasons as given above in support of claim 9. Accordingly, applicants respectfully request withdraw of the rejections under 35 U.S.C. § 103(a).

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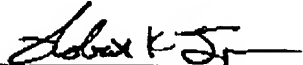
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*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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